

[JURY,LRA,TRIAL_SET](#)

U.S. District Court
Southern District of Mississippi (Northern (Jackson))
CIVIL DOCKET FOR CASE #: 3:13-cv-00546-HTW-LRA

3:13-cv-00546-HTW-LRA Harrison et al v. City of Richland, Mississippi et al

Harrison et al v. City of Richland, Mississippi et al
Assigned to: District Judge Henry T. Wingate
Referred to: Magistrate Judge Linda R. Anderson
Cause: 42:1983 Civil Rights Act

Date Filed: 09/06/2013
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

John Harrison

represented by **Daniel D. Ware**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Adam Harrison

represented by **Daniel D. Ware**
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V.

Defendant

City of Richland, Mississippi

represented by **Gary E. Friedman**
PHELPS DUNBAR, LLP - Jackson
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ATTORNEY TO BE NOTICED

Defendant

W. R. James

*Police Chief, officially and in his
 individual capacity*

represented by **Gary E. Friedman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roslyn N. Griffin
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

James Chatham

officially and in his individual capacity

represented by **Gary E. Friedman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roslyn N. Griffin
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

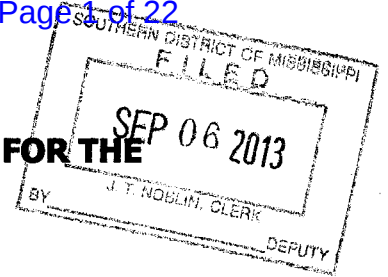
Does 1-10

*also in their official and individual
 capacities*

Date Filed	#	clear	Docket Text
09/06/2013	1	<input type="checkbox"/>	COMPLAINT with jury demand against James Chatham, City of Richland, Mississippi, W. R. James (Filing fee \$ 400 receipt number 34643023534), filed by John Harrison, Adam Harrison. (Attachments: # 1 Civil Cover Sheet)(cwl) (Entered: 09/09/2013)
09/06/2013	2	<input type="checkbox"/>	Summons Issued as to James Chatham, City of Richland, Mississippi, W. R. James. (cwl) (Entered: 09/09/2013)
09/26/2013	3	<input type="checkbox"/>	NOTICE of Appearance by Roslyn N. Griffin on behalf of James Chatham, City of Richland, Mississippi, W. R. James (Griffin, Roslyn) (Entered: 09/26/2013)
09/26/2013	4	<input type="checkbox"/>	ANSWER to 1 Complaint by James Chatham, City of Richland, Mississippi, W. R. James.(Friedman, Gary) (Entered: 09/26/2013)

09/30/2013	5	<input type="checkbox"/>	Rule 16(a) Initial Order Telephonic Case Management Conference set for 11/6/2013 11:00 AM before Magistrate Judge Linda R. Anderson (WG) (Entered: 09/30/2013)
09/30/2013			NOTICE OF RESETTING: Telephonic Case Management Conference RESET for 11/13/2013 09:30 AM before Magistrate Judge Linda R. Anderson due to conflict of plaintiff's counsel (WG) (Entered: 09/30/2013)
11/11/2013	6	<input type="checkbox"/>	NOTICE of Service of <i>Initial</i> Disclosure by Adam Harrison, John Harrison (Ware, Daniel) (Entered: 11/11/2013)
11/13/2013			Minute Entry for proceedings held before Magistrate Judge Linda R. Anderson: Telephonic Case Management Conference held on 11/13/2013. Participants: Daniel Ware and Roslyn Griffin. Case Management Order to be entered. (WG) (Entered: 11/13/2013)
11/13/2013	7	<input type="checkbox"/>	CASE MANAGEMENT ORDER Disclosure due by 11/15/2013 Motions for Amended Pleadings due by 12/13/2013 Motions for Joinder of Parties due by 12/13/2013 Designate Experts Plaintiff Deadline due by 4/23/2014 Designate Experts for Defendant Deadline due by 5/23/2014 Discovery due by 7/25/2014 Motions due by 8/8/2014 Settlement Conference set for 6/17/2014 09:00 AM before Magistrate Judge Linda R. Anderson at the Jackson Federal Courthouse, 501 E. Court Street, Suite 6.150, Jackson, MS Pretrial Conference set for 11/25/2014 or 11/26/2014 at 09:00 AM before District Judge Henry T. Wingate Jury Trial set during two-week trial period commencing 12/8/2014 09:00 AM in Courtroom 6A (Jackson) Wingate before District Judge Henry T. Wingate Signed by Magistrate Judge Linda R. Anderson on 11/13/2013 (WG) (Entered: 11/13/2013)
11/15/2013	8	<input type="checkbox"/>	NOTICE of Service of <i>Defendants' Pre-Discovery</i> Disclosure by James Chatham, City of Richland, Mississippi, W. R. James (Griffin, Roslyn) (Entered: 11/15/2013)
01/10/2014	9	<input type="checkbox"/>	NOTICE of Service of <i>First Set of (Propounded To Plaintiff John Harrison)</i> Interrogatories by James Chatham, City of Richland, Mississippi, W. R. James (Griffin, Roslyn) (Entered: 01/10/2014)
01/10/2014	10	<input type="checkbox"/>	NOTICE of Service of <i>Defendants' (Propounded To Plaintiff John Harrison)</i> Request for Production by James Chatham, City of Richland, Mississippi, W. R. James (Griffin, Roslyn) (Entered: 01/10/2014)
01/10/2014	11	<input type="checkbox"/>	NOTICE of Service of <i>Defendants' First Set of (Propounded To Plaintiff Adam Harrison)</i> Interrogatories by James Chatham, City of Richland, Mississippi, W. R. James (Griffin, Roslyn) (Entered: 01/10/2014)
01/10/2014	12	<input type="checkbox"/>	NOTICE of Service of <i>Defendants' (Propounded To Plaintiff Adam Harrison)</i> Request for Production by James Chatham, City of Richland, Mississippi, W. R. James (Griffin, Roslyn) (Entered: 01/10/2014)
01/16/2014	13	<input type="checkbox"/>	NOTICE of Service of Response to Interrogatories by Adam Harrison (Ware, Daniel) (Entered: 01/16/2014)

01/16/2014	14	<input type="checkbox"/>	NOTICE of Service of Response to Request for Production by Adam Harrison (Ware, Daniel) (Entered: 01/16/2014)
01/16/2014	15	<input type="checkbox"/>	NOTICE of Service of Response to Interrogatories by John Harrison (Ware, Daniel) (Entered: 01/16/2014)
01/16/2014	16	<input type="checkbox"/>	NOTICE of Service of Response to Request for Production by John Harrison (Ware, Daniel) (Entered: 01/16/2014)



**IN THE UNITED STATES FEDERAL DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JOHN HARRISON and ADAM HARRISON

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:13CV546-HTW-LRA

**CITY OF RICHLAND, MISSISSIPPI;
POLICE CHIEF W.R. JAMES, officially
and in his individual capacity and OFFICER
JAMES CHATHAM, officially and in
his individual capacity, and JOHN
DOES 1-10, also in their official
and individual capacities**

DEFENDANTS

**COMPLAINT
THE PLAINTIFFS DEMANDS A TRIAL BY JURY**

COMES NOW, the Plaintiffs, John Harrison and Adam Harrison, in the
above styled and numbered civil action, by and through their counsel of record,
Daniel D. Ware, aver and give notice of the following:

PARTIES

1. The Plaintiffs are Mississippi residents residing in the City of Richland, Rankin County, Mississippi.
2. Defendant City of Richland, Mississippi, is a governmental entity of the state of Mississippi, and may be served with process through its agent for service of process, Melinda Quick, City Clerk, in Richland, Mississippi.

3. Defendant, Police Chief W.R. James, is the Police Chief of Richland, Mississippi, and may be served with process at his place of employment, Richland, Mississippi.
4. Defendant, Police Officer James Chatham, is a police officer in the City of Richland, Mississippi, who may be served with process at his place of employment, Richland, Mississippi.
5. Defendants John Does 1-10 are police officers and city employees of the City of Richland, Mississippi, who may be joined as Defendants in this action, and who may be served with process according to court rules. Plaintiffs reserve the right to identify or change the identity of these additional Defendants based upon discovery.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action because it arises under the laws of the United State, specifically 42 U.S.C. § 1983 and the Eighth and Fourteenth Amendments of the United States Constitution.
7. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred within the district.

STATEMENT OF FACTS

8. In 2007, Plaintiff, John Harrison purchased a German Shepherd dog from Bridges Best in Prentiss, Mississippi, for him and his son, Plaintiff, Adam Harrison. They named the dog Roskoe, sometimes referred to by other people as Roscoe. His unique ID number was CAR00007095.
9. Roskoe lived with Plaintiffs, and he became just as a family member and sharing love and affection with the family and their friends.
10. Roskoe lived inside the house and had obedience training. He was a large dog but never bit anyone nor had an aggressive tendencies.
11. Roskoe would go into the front yard to relieve himself and then return into the home.
12. On August 24, 2011, approximately 8:30 p.m., Plaintiff Adam and some friends were at their home in Richland, Mississippi. Roskoe was there with them sitting in front of the carport door.
13. A young girl, Emily Stevens, in the neighborhood had called about some dog running in the street; however, she could not identify the dog with certainty.
14. Richland Police Officer James Chatham along with other officers

knocked on Plaintiffs' front door.

15. The officers had no arrest warrants or other probable cause to be at the Plaintiffs' home. It is unknown as to why the police went directly to Plaintiffs' house.
16. Adam came to the carport door and opened the door to see who was there.
17. Adam witnessed one officer at the front door and three officers in the driveway with guns drawn spot lighting Roskoe while he was sitting under the carport in front of the door trying to gain entrance into the house.
18. With all the commotion, Roskoe then ran into the yard.
19. Officer Chatham had his gun drawn in total disregard of the fact that Adam and his friends were in the area and savagely and maliciously shot Roskoe in the Plaintiffs' own front yard. The dog then retreated back into the house.
20. It was clear that Defendant Chatham was determined to use force without provocation. Prior to the shooting, Defendant Chatham did not attempt to subdue the dog with his mace and had left his nightstick in his police car. Additionally, Defendant Chatham did not call for the animal control official to come to the scene even though he was more trained than Defendant Chatham in these

situations.

21. Adam and his friends understandably became very upset as Roskoe laid on the kitchen floor bleeding and suffering.
22. Adam requested that he be allowed to take Roskoe to the veterinarian; however, the officers to include Chatham refused Plaintiff's request to seek medical treatment for Roskoe. The officers told him that he would be arrested if he did not comply with their commands. One officer placed a gun at Adam's head and instructed to shut up. All the while Roskoe, still was alive and suffering needlessly on the kitchen floor.
23. During this time, Adam called his dad, John, to explain what happened. Plaintiff, John, was at his place of employment and left with the intentions of coming home.
24. Other Richland Police Officers arrived during this time to the house. Adam was unable to take Roskoe for medical treatment due to the unknown detention from the officers. No justifiable reason was given as to why he could not leave.
25. One of the officers stated that animal control officer, was close by and coming to take the dog to the veterinarian.
26. After approximately a forty-five minute wait, the animal control officer never showed up. At that time one of the officers went to

get the animal control transport truck.

27. During this time, Adam continued to beg the officers to allow him to take his dog to the veterinarian.
28. The officer returned with the truck, placing Roskoe into the back of the truck and transported him to Flowood, a 24 hour veterinarian clinic.
29. Adam was again detained by another officer for unknown purposes preventing him from following the truck to the clinic.
30. Afterward, Adam and one of his friends was finally allowed to leave home, they drove to the veterinarian office where he found Roskoe dead on the transport truck's tailgate.
31. The veterinarian clinic required payment for the after hour's office visit.
32. At this time, John met Adam at the veterinarian clinic and saw that his family pet was dead. Plaintiffs then paid for cremation of their dog.
33. There were no citations issued to anyone at Plaintiffs' house that night.
34. Adam, who witnessed the shooting within the zone of danger and/or line of fire, was seriously emotionally distressed by the incident.

35. Both Adam and John came home see Roskoe's blood on the kitchen floor. Both were seriously emotionally distressed by the incident.
36. Afterward, Plaintiff John Harrison demanded that the Richland Police Department explain their actions. After a few hours of review, the defendant stated their officers did nothing wrong.
37. Plaintiffs were left with no explanation and only a veterinarian bill from Roskoe's death.

COUNT I

VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

38. The Plaintiffs hereby incorporate by reference and re-allege the information set forth in the forgoing paragraphs.
39. As set forth throughout the complaint as stated, Defendants City of Richland, and, Police Chief W.R. James, in concert, have a careless and reckless customary policy of allowing the employees of the Richland Police Department to confront canines, without any informed training or guiding policies and procedures, or alternatively, unconscious or reckless disregard for any informed training or policies and procedures, and in such a way to cause the destruction of citizen's canine pets without lawful justification or any threat of subsequent discipline.

40. The conduct of the Defendants violated Plaintiffs' rights by destruction of their property and by interference with Plaintiffs' exercise and enjoyment of rights secured by the Constitution and laws of the United States, including Due Process and 42 U.S.C. § 1983.
41. Defendants City of Richland and the Police Chief have careless and reckless customary policy of allowing the employees of the City of Richland Police Department to confront canines, with the attitude that they are expendable and not entitled to live, in such a way as to cause the destruction of citizen's canine pets without lawful justification.
42. These policies allow, condone, ratify, and afford the reckless, careless and erroneous confrontation with domestic canines found at someone's home, and thereby acquiesce to incompetent, unqualified, unskilled, and inexperienced personnel to handle animals, as canines, when called upon to confront them while the officers are on the job, so as to make mistakes or act willfully, wantonly and/or recklessly so that they cause the death of citizen's canine pets.
43. Defendants, both individually and by and through their agents and employee, acting under color of statutes, ordinances, regulations,

custom and usage, subjected, and/or caused Plaintiffs to be subjected to a violation of those Rights, Privileges, and Immunities secured by the Constitution and laws of the United States.

44. Defendants are persons and/or entities who, under color of the laws of the City of Richland, State of Mississippi and the United States, have authority to impound or otherwise confine animals and canines and to keep them until redeemed or otherwise properly taken care of.
45. Defendants subjected Plaintiffs and caused them to be subjected to a deprivation of their Rights, Privileges and Immunities provide by the United States and Mississippi Constitution and the laws of the United States by injuring, destroying and killing Plaintiffs' dog, Roskoe, in violation of Due Process and the Search and Seizure laws, without notice and opportunity to be heard, and without lawful authority, in direct violation of the owners' freedom to keep personal property without the unlawful taking of such property.
46. Defendants by their conduct in committing the acts and omission complained of therein, did so maliciously, oppressively, in disregard of humanity, and in total disregard of the consequences of the aforementioned acts, including as follows:
 - a. Without any warning, discharging a firearm in a resident's

- home with people in the zone of danger in which one is shooting without due cause, provocation, or justification;
- b. Shooting, injuring and killing "Roscoe" without due cause, provocation, or justification;
 - c. Failing to seize or detain "Roscoe" or utilize non-violent measures to otherwise restrain "Roscoe";
 - d. Failing to allow Plaintiffs to take measures to gain control of "Roscoe";
 - e. Failing to instruct, train, supervise, control and discipline, on a continuing basis, Defendant Chatham and other police officers in the City of Richland in their duties to refrain from unlawfully and maliciously destroying the dogs of citizens in the City of Richland;
 - f. Failing to instruct, train, supervise, control and discipline, on a continuing basis, Defendant Chatham and other police officers in the City of Richland in their duty to refrain from using excessive force in the performance of their duties when interacting with the citizens of the City of Richland;
 - g. Failing to properly train the agents and/or employees of the City of Richland Police Department regarding restraining and capturing canines;

- h. Failing to properly train the agents and/or employees of the City of Richland Police Department regarding the use of firearms in a residential home;
- i. Failing to properly supervise the employees of the City of Richland Police Department, including but not limited to Defendant Chatham;
- j. Failing to properly investigate the use of deadly force, including the instant action, thereby furthering the likelihood that it will occur again;
- k. Retaining Defendant Chatham as a Police after report of this incident and not terminating and/or reprimanding him;
- l. Entrusting Defendant Chatham with a firearm;
- m. Failing to properly supervise the training, instruction, discipline, conduct and conduct of police officers, like Defendant Chatham;
- n. Failing to properly promulgate orders, rules, instructions, and regulation of the City of Richland Police Department, including but not limited to, those orders, rules, instructions and regulations concerning the use of force and deadly weapons and/or handling, restraining and/or canines;
- o. Improperly approving the weapons to be used by members

of the City of Richland Police Department, including those used by Defendant Chatham;

- p. Failing to properly control the manner in which the employees and/or agents of the City of Richland Police Department carried out the objectives of their employment;
- q. Failing to see that all orders, rules, policies, instructions, and regulations, promulgated for the City of Richland Police Department were consistent with the State and Federal Constitutions, and statutes, ordinances and regulations of the United States, State of Mississippi and the City of Richland;
- r. Failing to use due care under the circumstances;
- s. Any and all other acts or omissions continuing negligence, carelessness and/or recklessness as may appear during the course of discovery procedures.

COUNT II

VIOLATION OF PLAINTIFFS' SUBSTANTIVE DUE PROCESS RIGHTS

- 47. The Plaintiffs hereby incorporate by reference and re-allege the information set forth in the forgoing paragraphs.
- 48. Defendants deprived Plaintiffs of their property without due process of law, thereby depriving Plaintiffs of their rights, privileges and

immunities as guaranteed by the Fifth and Fourteenth Amendments to the Constitution of the United States and the State of Mississippi.

49. Defendants committed their actions with a callous and deliberate indifference and in a reckless a manner which shocks the conscience of a civilized society. Despite the fact that Plaintiff Adam Harrison and other were presented on the scene at his home on his property, Defendant Chatham ignored him and treated him complete and total lack of respect and dignity.
50. Defendant Chatham physical actions made it clear that he believed he could do whatever he desired. He assumed he could just arbitrarily shoot to kill a family pet at the family home doing nothing wrong while one of the owners was nearby and was deprived of the opportunity to detain and control his dog.
51. The conduct of the Defendants was egregious, oppressive and constituted excessive and brutal use of physical force in contravention of the Fourteenth Amendment of the United States Constitution and the Constitution of the State of Mississippi.
52. Defendants acted willful, wanton and in reckless disregard of and indifference to the Plaintiffs' Constitutional right to be free from the arbitrary exercise of the powers of government. The acts of the Defendants were committed unlawfully, intentionally, maliciously

and arbitrarily thereby violation the due process protection of life, liberty and property.

53. There was no need for the application of force because Defendant Chatham was not under attack. Moreover, Defendant Chatham had a nightstick in his car and mace with him. Even if some restraint for Roskoe was needed, which it was not, the nightstick and mace would have sufficed. Instead, he decided to just kill Roskoe.
54. Plaintiffs and Roskoe had done nothing wrong and there was no reason for Defendant Chatham to use the force that he did. His actions were a raw abuse of governmental power and were done maliciously and sadistically for the very purpose of causing harm.
55. As a direct and proximate result of the acts and omissions of Defendants, and each of them, Plaintiffs have suffered actual, special and compensatory damages.
56. Defendants, and each of them, by their conduct in committing the acts and omission complained of herein, did so maliciously, oppressively, in disregard of humanity, and in total disregard of the consequences of the aforementioned acts.

COUNT III

VIOLATION OF PLAINTIFFS' PROCEDURAL DUE PROCESS RIGHTS

57. Plaintiffs hereby incorporate by reference and re-allege the information set forth in the forgoing paragraphs.
58. Defendants deprived Plaintiffs of their property without due process of law thereby depriving Plaintiffs of their rights, privileges and immunities as guaranteed by the Fifth and Fourteenth Amendments to the Constitution of the United States and the State of Mississippi.
59. Plaintiffs had a strong private interest in their Roskoe. He had been a member of the family for four (4) years.
60. Defendant Chatham killed Roskoe despite that Roskoe was not an immediate threat to him. The procedures used whereby Defendant Chatman was free to act in a high-handed Draconian, arbitrary manner when using his discretion to kill Roskoe created a situation where improper destruction of Roskoe was possible and did occur.
61. Moreover, there were no exigent circumstances that vitiated the need for proper procedures, such as calling for animal control. Defendant Chatham acted with reckless and deliberate indifference when he refused to apply appropriate procedural safeguards.

62. The conduct of Defendant Chatham was egregious, oppressive, and constitutes excessive and brutal use of physical force when a non-violent resolution of the situation was available through the use of proper procedures. Defendant Chatham acted with willful, wanton and reckless disregard of, and deliberate indifference to, Plaintiffs' constitutional guaranteed right to due process.
63. The fatal shooting of Plaintiffs' pet dog Roskoe was an abuse of power by Defendants and each of them. Such power and authority was propounded by policy making officials and delegated to Defendants pursuant to the City of Richland Police Department policies, both written and unwritten, which granted broad authority to affect the destruction of Plaintiffs' family pet without procedural due process safeguards.
64. As a direct and proximate result of the acts and omission of Defendants, and each of them, Plaintiffs have suffered actual, special and compensatory damages.
65. Defendants, and each of them, by their conduct in committing the acts and omission complained of herein, did so maliciously, oppressively, in disregard of humanity, and in total disregard of the consequences of the aforementioned acts.

COUNT IV

VIOLATION OF PLAINTIFFS' FOURTH AMENDMENT RIGHTS

66. Plaintiffs hereby incorporate by reference and re-allege the information set forth in the forgoing paragraphs.
67. Defendants abuse their power and engaged in an excessive use of force in violation of the Fourth Amendment to the Constitutions of both the United States and the State of Mississippi.
68. The Fourth Amendment provides that "[t]he right of the people to be secure in their person, houses, paper, and effects, against unreasonable searches and seizure, shall not be violated,..."
69. Defendants engaged in an unreasonable, unconstitutional, seizure of Roscoe when Defendant Chatham gunned him down despite the officer knowing whose dog belonged to.
70. The Plaintiffs' "right to be secure" from arbitrary seizure such as killing their pet was totally disregarded by Defendant Chatham. Defendants engaged in the type of high-handed, Draconian, arbitrary manner that the Fourth Amendment was intended to protect against.
71. Considering the totality of the circumstances, Defendant Chatham's actions were not objectively reasonable. There was no need for

the application of force because Defendant Chatham was not under attack.

72. Plaintiffs and Roscoe had done nothing wrong and there was no reason Defendant Chatham to use the force that he did. His actions were not objectively reasonable and constituted the use of excessive force in violation of the Fourth Amendment to the Constitution of the United States and the State of Mississippi.
73. As a direct and proximate result of the acts and omission of Defendants, and each of them, Plaintiffs have suffered actual, special and compensatory damages.
74. Defendants, and each of them, by their conduct in committing the acts and omission complained of therein, did so maliciously, oppressively, in disregard of humanity, and in total disregard of the consequences of the aforementioned acts.

COUNT V

DAMAGES

75. The Plaintiffs hereby incorporate by reference and re-allege the information set forth in the foregoing paragraphs.
76. As a direct and proximate result of the actions of these Defendants, Plaintiffs are entitled to damages in an amount to be determined at

the trial of this action. As a result of the violations of Plaintiffs' constitutional rights, Plaintiffs suffered the following injuries and damages:

- a. Loss of beloved property and all of the improvements and training and upkeep on Roskoe;
- b. Veterinarian expenses;
- c. Cremation expenses;
- d. Loss of companionship; and,
- e. Mental and emotion distress.

COUNT VI

PUNITIVE DAMAGES

- 77. The Plaintiffs hereby incorporate by reference and re-allege the information set forth in the foregoing paragraphs.
- 78. The actions or inactions of Defendants, namely the fact that, in total disregard for the seriousness of the use of deadly force and in violation of Plaintiffs' constitutional right, the officer removed his firearm and, without any attempt to subdue or control Roskoe and/or without taking any non or less intrusive or forceful alternative actions available, shoot Roskoe and fail to allow Plaintiff to seek attention for his family pet. By its nature, Defendants

actions were outrages, willful, wanton and in reckless disregard to plaintiffs' right and are society's understanding of civility as to entitle Plaintiffs to punitive and/or exemplary damages, especially considering the failure to discipline said action in any way, thereby acquiescing to it.

79. The Defendant organizations actions and inactions began before the instant actions were taken by Defendant Chatham by recklessly and in total disregard for anyone's rights, failing to instruct, train, supervise, control and discipline, on a continuing basis, Defendant Chatham and other police officers in the City of Richland in their duties to refrain from unlawfully and maliciously destroying the dogs of citizen in the City of Richland; recklessly failing to instruct, train, supervise, control and discipline, on a continuing basis, Defendant Chatham and other police officers in the City of Richland in their duty to refrain from using excessive force in the performance of their duties when interacting with the citizen of the City of Richland; recklessly failing to properly train the agents and/or employees of the City of Richland Police Department regarding restraining a capturing canines; recklessly failing to properly train the agents and /or employees of the City of Richland Police Department regarding the use of firearms at a residential

home; recklessly failing to properly supervise the employees of the City of Richland Police Department, including but limited to Defendant Chatham; recklessly failing to properly investigate the use of deadly force, including the instance action, thereby furthering the likelihood that it will occur again; recklessly retaining Defendant Chatham without reprimand or termination for this incident; recklessly failing to properly supervise the training, instruction, discipline, control and conduct of police officers, like Defendant Chatham; and recklessly failing to properly promulgate orders, rules, instruction, and regulations of the City of Richland Police Department, including but not limited to, those orders, rules, instructions and regulations concerning the use of force and deadly weapons and/or handling, restraining and /or capturing of canines; and recklessly approving the weapons to be used by members of the City of Richland Police Department; recklessly failing to properly control the manner in which the employees and/or agents of the City of Richland Police Department carried out the objective of their employment; and recklessly failing to see that all orders, rules, policies, instructions, and regulation promulgated for the City of Richland Police Department were consistent with the State and Federal Constitutions, and statutes, ordinances and regulations of

the United States, State of Mississippi and City of Richland.

ATTORNEY'S FEES

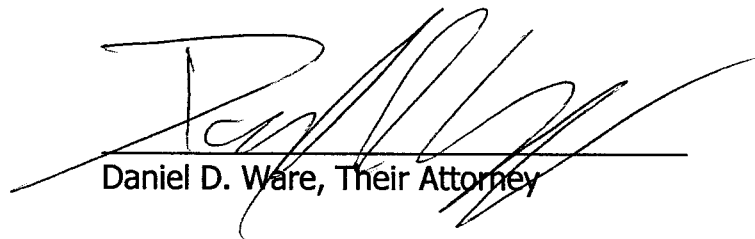
80. Plaintiffs are entitled to an award of attorney fees and cost under 42 U.S.C. §1988(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray and demand judgment in their favor and against Defendants for compensatory and special damages, as well as punitive damages, as set forth above in the amount to be determined by a jury, together with interest, costs and attorney's fee to the extent allowed by law, and any other relief the Court deems just and appropriate.

THIS the 6th day of September, 2013.

Respectfully submitted,

JOHN HARRISON & ADAM HARRISON



Daniel D. Ware, Their Attorney

Daniel D. Ware (MSB #10847)
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JS 44 (Rev. 09/11)

CIVIL COVER SHEET

3:13CV546 HTW-LRA

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOHN HARRISON and ADAM HARRISON

DEFENDANTS

CITY OF RICHLAND, MISSISSIPPI;
POLICE CHIEF W.R. JAMES, OFFICER(b) County of Residence of First Listed Plaintiff Rankin County, MS
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

SEP 06 2013

(c) Attorneys (Firm Name, Address, and Telephone Number)
Ware Law Firm, PLLC, Daniel D. Ware
2609 US Hwy 49 South, Florence, MS 39073
601-845-9273

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

1983 against City & its officer - destroying property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/17/2012

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

34643023534